

FEE Pd.
455 1691
AC 455 1691

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DON WHALEY, et al.,

Plaintiffs

v.

MANN FRANKFORT STEIN & LIPP
ADVISORS, INC., et al.,

Defendants

§
§
§
§
§
§
§
§
§
§

C.A. No. 05-01103

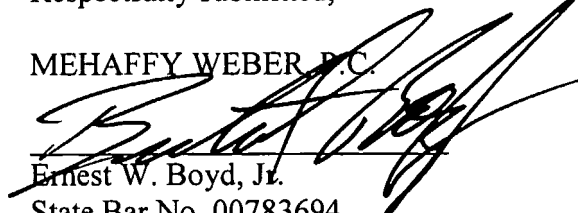
PLAINTIFFS' NOTICE OF APPEAL

Plaintiffs file this Notice of Appeal. Pursuant to Federal Rule of Appellate Procedure 3(c), Plaintiffs provide the following information:

1. All Plaintiffs take this appeal from the District Court's Order [Docket No. 8] entered on May 6, 2005. A true and correct copy of the District Court's Order is attached as Exhibit A.
2. This appeal is taken to the United States Court of Appeals for the Fifth Circuit.

Respectfully submitted,

MEHAFFY WEBER, P.C.

A large, stylized handwritten signature in black ink, likely belonging to Ernest W. Boyd, Jr., is written over the printed name and extends upwards into the space above the signature line.

Ernest W. Boyd, Jr.

State Bar No. 00783694

Federal ID No. 23211

Susan Hardie Jacks

State Bar No. 08957600

Federal ID No. 4192

Jeremy R. Stone

State Bar No. 24013577

Federal ID No. 27060

500 Dallas, Suite 1200

Houston, Texas 77002

Phone: (713) 655-1200

Fax: (713) 655-0222

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this Notice of Appeal was served upon all counsel of record listed below via United States Certified Mail Return Receipt Requested on this 6th day of June, 2005.

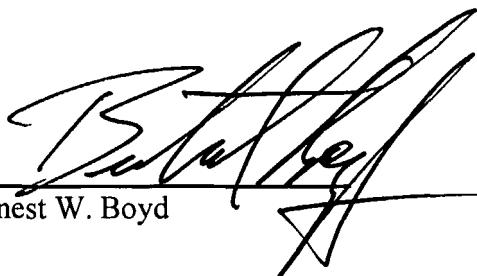
Mr. Stephen D. Susman
Mr. Robert Rivera, Jr.
Susman Godfrey, LLP
1000 Louisiana, Suite 5100
Houston, Texas 77002-5096

Mr. George T. Shipley
Baker & Botts LLP
910 Louisiana
Houston, Texas 77002-4995

Ms. Linda Broocks
Ogden, Gibson, White Broocks & Longoria, L.L.P.
2100 Pennzoil South Tower
711 Louisiana Street
Houston, Texas 77002

Mr. William N. Radford
Thompson, Coe, Cousins & Irons, L.L.P.
700 N. Pearl Street, 25th Floor
Dallas, Texas 75201-1853

Mr. Eric Schwartz
10350 West Bay Harbor Drive, No. 10 D.
Bay Harbor, Florida 35154


Ernest W. Boyd

Case 4:05-cv-01103 Document 5-2 Filed 03/29/2005 Page 1 of 1

United States Courts
Southern District of Texas
ENTERED

MAY 06 2005

Michael N. Milby, Clerk of Court

UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE:	§	
	§	
PREMIERE HOLDINGS OF TEXAS	§	Jointly administered under
L.P. ET AL.,	§	CASE NO. 01-40836-H2-11
	§	CASE NO. 01-40837-H2-11
	§	CASE NO. 01-40838-H3-11
DEBTORS	§	CHAPTER 11

DON WHALEY, MARY WHALEY
AND VINCENT COLEMAN
Plaintiffs,

vs.

MANN, FRANKFORT, STEIN & LIPP,
ADVISORS, INC., ET AL.

Defendants.

Adversary No. 04-3889
CV H 05-01103

Order

This Court has considered the Motion to Abstain and Remand. The Court ORDERS the following:

- (a) To the extent that the state court claims seek to litigate claims or causes of action raised by the Liquidating Tort Trustee those claims are STAYED, and the Court directs the plaintiffs to dismiss any such claims;
- (b) To the extent that the state court claims seek to recover damages duplicative of those sought by the Liquidating Tort Trustee, those claims are STAYED, and the Court directs the plaintiffs to dismiss any such claims; and
- (c) To the extent that the state court claims seek to recover damages against Mann Frankfort that arise for accounting, auditing or other services performed by Mann Frankfort for the benefit of the Premiere entities, they are STAYED, and the Court directs the plaintiffs to dismiss any such claims.

SIGNED this 6th day of May, 2005.


UNITED STATES DISTRICT JUDGE

